

MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

CV-05-00038

February 22, 2007
9:00 a.m.

Lisa Black -vs- Jim Brewer, et al

PRESENT: Hon. Terry J. Hatter, Jr., Designated Judge Presiding
Sanae Shmull, Court Reporter
K. Lynn Lemieux, Court Deputy
Michael Dotts, Attorney for Plaintiff
George Hasselback, Attorney for Plaintiff
Lisa Black, Plaintiff
Gregory Baka, Attorney for Defendants
Heather Kennedy, Attorney for Defendants
Linda Waugh, Attorney for Defendants
Jim Brewer, Defendant

PROCEEDINGS: JURY TRIAL - Day Three

Plaintiff was represented by Attorneys Michael Dotts and George Hasselback. Defense was represented by Deputy Attorney General Gregory Baka and Attorney Heather Kennedy.

Attorney Hasselback moved to make an offer of proof regarding to the testimony of Witness Slater. Court ruled that the record was complete. Attorney Kennedy moved to make an offer of proof regarding the testimony of Witness Halloran and other potential witnesses as far as Lisa Black's character. Court ruled that the record was complete.

Jurors were brought into the Courtroom at 9:10 a.m.

Plaintiff called witness:

KAREN L. BORJA. DX by Attorney Dotts ended at 9:15 a.m. CX by Heather Kennedy began at 9:16 a.m. Attorney Kennedy moved to admit Ex. CC into evidence; no

objection, Court so ordered. Attorney Dotts began RDX at 9:23 a.m. Witness was excused at 9:24 a.m.

Plaintiff announced that there would only be one more witness for their case in Chief and this would be by video conference on Monday; however, counsel may agree to a stipulation.

Attorney Dotts stated that the parties had come to an agreement and stipulate that the declaration of witness Robert Schwalbach (Ex. 17) would be read to the jury in lieu of him testifying by video conference and that the written declaration would be admitted as an exhibit. Further, that Ex. T would be read to the jurors by the Defense. Court so ordered. Attorney Dotts read the declaration to the jurors (he completed the reading at 9:35). Attorney Kennedy read to the jurors Ex. T and completed the reading at 9:40 a.m.

Plaintiff rested their case at 9:41 a.m.

Jurors were excused from the Courtroom.

Attorney Kennedy moved for a Judgment as a Matter of Law and stated that a written motion would be forthcoming.

Attorney Dotts renewed his motion to Amend Complaint and argued the motion.

Attorney Kennedy argued the Motion for Judgment as a Matter of Law (concluded at 9:50 a.m.)

Attorney Dotts argued on behalf of the Plaintiff and concluded at 9:55 a.m.

Court took both matters under submission and stated that a decision would be forthcoming.

Jurors were brought back into the Courtroom at 9:56 a.m. and Defense began their case.

Defense called witness:

ANICETA R. MENDIOLA. DX by Attorney Kennedy began at 9:57 a.m. Attorney Kennedy moved to admit **Ex. EE**, no objection; Court so ordered. Attorney Kennedy moved to admit **Ex. FF**, no objection; Court so ordered. Attorney Kennedy moved to admit **Ex. OO**, no objection; Court so ordered. Attorney Kennedy moved to admit **Ex. QQ**, no objection; Court so ordered. Attorney Kennedy moved to admit **Ex. KK**, no objection; Court so ordered. Attorney Kennedy moved to admit **Ex. LL**, no objection; Court so ordered. Attorney Kennedy moved to admit **Ex. MM**, no objection; Court so ordered. Attorney Kennedy moved to admit **Ex. NN**, no objection; Court so ordered. Attorney Dotts began CX at 10:18 a.m. and concluded at 10:28 a.m. RDX by Attorney Kennedy concluded at 10:30 a.m. Attorney Dotts began RCX at 10:31 a.m. and concluded at 10:35 a.m. Witness

was excused.

Defense called witness:

EVONNE CABRERA. DX by Attorney Kennedy began at 10:38 a.m. CX by Attorney Dotts began at 10:40 a.m. Witness was excused.

Defense called witness:

MENCHU GRAYER. DX by Attorney Kennedy began at 10:45 a.m. Attorney Kennedy moved to admit Ex. U into evidence; objection as to hearsay, Court denied the admission of the exhibit. CX by Attorney Hasselback began at 10:57 a.m. and concluded at 10:55 a.m. Attorney Kennedy began RDX at 10:56 a.m. and concluded at 10:57 a.m. Witness was excused at 10:57 a.m.

Defense stated that they did not have any more witnesses prepared for this morning.

Jurors were excused for their lunch break at 11:00 a.m. and ordered to return at 1:30 p.m.

Court recessed for lunch at 11:00 a.m. and reconvened at 1:34 p.m.

Outside the presence of the jury; Attorney Dotts renewed a motion against allowing the "impeachment" testimony of the next witness. Defense argued. Court denied the motion.

Jurors were brought into the Courtroom at 1:35 p.m.

Defense called witness:

DOLORES S. TAMAN. DX by Attorney Kennedy began at 1:36 p.m. and concluded at 1:43 p.m. CX by Attorney Dotts began at 1:44 p.m. and concluded at 1:50 p.m. Attorney Kennedy began RDX at 1:51 p.m. and concluded at 1:52 p.m. Witness was excused.

Defense called witness:

KATHERINE A. BARJA. DX by Attorney Kennedy began at 1:57 p.m. and concluded at 2:00 p.m. CX by Attorney Dotts began at 2:00 p.m. and concluded at 2:04 p.m. RDX by Attorney Kennedy ended at 2:05 p.m.

Defense called witness:

ELIZABETH NEPAIAL. DX by Attorney Kennedy began at 2:05 p.m. Attorney Kennedy offered **Ex. O** into evidence; no objection, Court so ordered. Attorney Kennedy offered **Ex. J** into evidence; no objection, Court so ordered. Attorney Kennedy offered **Ex.**

K into evidence; no objection, Court so ordered. Attorney Kennedy offered **Ex. R** into evidence; no objection, Court so ordered.

Court recessed for afternoon break at 2:50 and reconvened at 3:07 p.m.

Attorney Dotts began CX of **witness Nepaial** at 3:08 p.m. And concluded at 3:27 p.m. Attorney Kennedy began RDX at 3:28 p.m. and concluded at 3:35 p.m. Witness was excused.

Defense announced to the Court that they did not have any more witnesses lined up for today.

Jurors were released for the day at 3:40 p.m. and ordered to return tomorrow morning at 9:00 a.m.

Court ruled that the Plaintiff's motion for amended complaint was DENIED. Court ruled that the Defense's motion for Judgment as a Matter of Law was also DENIED.

Court adjourned at 4:40 p.m.

/s/ K. Lynn Lemieux, Courtroom Deputy